

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This document Applies to:
No. CV-18-04388-PHX-DGC
Ann Marie Pickraum, Plaintiff

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

PLAINTIFF'S FIRST AMENDED SHORT FORM COMPLAINT

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Ann Marie Pickraum

 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
N/A

 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A

 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:
New Jersey

FLEMING, NOLEN & JEZ, L.L.P.
2800 POST OAK BLVD., SUITE 4000
HOUSTON, TX 77056-6109
(713) 621-7944

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Jersey

7. District Court and Division in which venue would be proper absent direct filing:

New Jersey District Court, Newark Division

8. Defendants (check Defendants against whom Complaint is made):

C.R. Bard, Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: MDL 2641 Centralization

a. Other allegations

Complaint:

Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

- G2® Express Vena Cava Filter
 - G2® X Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other: _____

11. Date of Implantation as to each product:

January 14, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence – Design
 - Count V: Negligence – Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation

- Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable New Jersey (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive
Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following:
(please state the facts supporting this Count in the space immediately below)

On or about April 19, 2016, a CT scan showed the proximal portion of the inferior vena cava filter is tilted to the right and portions of the legs which extend beyond the confines of the inferior vena cava and abut the abdominal aorta.

13. Jury Trial demanded for all issues so triable?

- Yes
 No

1 RESPECTFULLY SUBMITTED this 1st day of October, 2019.

2
3 **FLEMING, NOLEN & JEZ, L.L.P.**

4 By: /s/ Rand P. Nolen
5 Rand P. Nolen (Pro Hac Vice)
6 2800 Post Oak Blvd., Suite 4000
7 Houston, Texas 77056-3109
8 Telephone: (713) 621-7944
9 Facsimile: (713) 621-9638
10 Email: rand_nolen@fleming-law.com
11 *Attorneys for Plaintiffs*

12
13 I hereby certify that on this 1st day of October, 2019, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and
15 transmittal of a Notice of Electronic Filing.

16
17 /s/ Rand P. Nolen
18
19
20
21
22